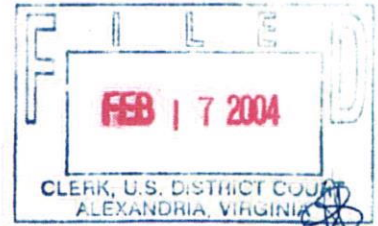


UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division



UNITED STATES OF AMERICA

v.

Case Number 1:02CR00376-004

DENIS RIVERA,
a/k/a "Conejo"

Defendant.

JUDGMENT IN A CRIMINAL CASE

The defendant, DENIS RIVERA, was represented by Robert L. Jenkins, Esquire and Jerome P. Aquino, Esquire.

The defendant was found guilty on Count 1 and Count 2 of the Fifth Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of the following count(s), involving the indicated offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. 1117	Conspiracy to commit murder (Felony)	September 16, 2001	1
18 U.S.C. 2 and 1111	First degree murder (Felony)	September 16, 2001	2

As pronounced on February 17, 2004, the defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this 17 day of February, 2004.


T. S. Ellis, III
United States District Judge

Defendant's SSN: 230-63-6712
Defendant's Date of Birth: 09-20-1983, a/k/a 12-20-1982
Defendant's address: No fixed address

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY 
DEPUTY CLERK

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Defendant: DENIS RIVERA
Case Number: 1:02CR00376-004

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of LIFE as to each of Count One (1) and Count Two (2), these terms to run concurrently with one another.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

c: P.O. (2) (3)
Mshl. (4) (2)
U.S. Atty.
U.S. Coll.
Dft. Cnsl.
PTS
Financial
Registrar
ob

By

United States Marshal

Deputy Marshal

Defendant: DENIS RIVERA
Case Number: 1:02CR00376-004

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE (5) YEARS as to each of Count One (1) and Count Two (2), these terms to run concurrently with one another.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm or destructive device.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

STANDARD CONDITIONS OF SUPERVISED RELEASE

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below):

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer within 72 hours, or earlier if so directed, of any change in residence.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: DENIS RIVERA
Case Number: 1:02CR00376-004

SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional conditions:

- 1.) The defendant must cooperate fully with the Department of Homeland Security in any removal proceedings.
- 2.) In the event that defendant is removed, he must not return to the United States without the express, advance permission of the Attorney General.

Defendant: DENIS RIVERA
Case Number: 1:02CR00376-004

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total monetary penalties in accordance with the schedule of payments set out below.

<u>Count</u>	<u>Special Assessment</u>	<u>Fine</u>
1	\$100.00	
2	\$100.00	
<u>Total</u>	\$200.00	

FINE

No fines have been imposed in this case.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

The special assessment is due in full immediately. If not paid immediately, the court authorizes the deduction of appropriate sums from the defendant's account while in confinement in accordance with the applicable rules and regulations of the Bureau of Prisons.

Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

If this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment.

All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

Defendant: DENIS RIVERA
Case Number: 1:02CR00376-004

RESTITUTION AND FORFEITURE**RESTITUTION**

The court, pursuant to the Victim and Witness Restitution Act, finds that the following is/are victim(s) of defendant's criminal conduct and has/have sustained loss in the indicated amounts and orders \$8,000.00 restitution by the defendant, jointly and severally with his co-defendants as follows:

<u>Name & address of payee(s)</u>	<u>Amount</u>
Information from the Probation Officer regarding payment to the Victim's family has been provided to a United States Clerk's Office Financial Assistant.	\$8,000.00
<u>Total</u>	\$8,000.00

Payments of restitution are to be made to Clerk, U. S. District Court.

Restitution is due and payable immediately.

If there are multiple payees, any payment not made directly to a payee shall be divided proportionately among the payees named unless otherwise specified here:

FORFEITURE

Forfeiture has not been ordered in this case.

Defendant: DENIS RIVERA
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STATEMENT OF REASONS

☒ The Court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary).

Guideline Range Determined by the Court:

Total Offense Level: 48

Criminal History Category: VI

Imprisonment Range: Life

Supervised Release Range: 3 to 5 years

Fine Range: \$ 25,000 to \$ 250,000

☒ Fine waived or below the guideline range because of inability to pay.

Restitution: \$ 8,000

☒ Full restitution is not ordered for the following reason(s):
Restitution to the Victim's family is determined pursuant to statute.

☒ The sentence is within the guideline range and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☐ The sentence departs from the guideline range.

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):